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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

SHANE BEARD, et al.,

Plaintiffs,

v.

COUNTY OF STANISLAUS, et al.,

Defendants.

Case No.: 1:21-cv-00841-DAD-SAB

**DECLARATION OF ROBERT R.  
POWELL IN SUPPORT OF  
PLAINTIFFS' MOTION TO COMPEL  
DOCUMENTS RESPONSIVE TO  
PLAINTIFF SHANE BEARD'S  
REQUEST FOR PRODUCTION OF  
DOCUMENTS, SET ONE**

Judge: Dale A. Drozd

Magistrate Judge: Stanley A. Boone

I, ROBERT R. POWELL, do hereby declare:

1. I am an attorney licensed to practice before all the Superior Courts of the State of California, all 9<sup>th</sup> Circuit District Courts within the State of California, and a member in good standing to the bar to the U.S. Supreme Court. I am an attorney of record for Plaintiffs in the above-entitled action.
2. I personally oversaw, reviewed, edited, and finalized the preparation of Plaintiff's Motion to Compel Documents Responsive to Plaintiff Shane Beard's Request For Production of Documents, Set One.

- 1 3. If called upon to do so, I could and would competently testify under oath to all  
2 assertions of fact therein and below.
- 3 4. It is important in the context of requesting attorneys fees and/or sanctions in this motion  
4 to advise the court that the undersigned until recently has been handling six lawsuits  
5 against Stanislaus County and its social workers, though one recently settled and has  
6 been closed, and another has been consolidated. Problems of the nature complained of  
7 in this motion to compel have occurred to some degree or another in every single one.
- 8 5. On November 30, 2021 Plaintiff Shane Beard's Request for Production of Documents,  
9 Set One was mail served to Defendant's Counsel, Bradley Swingle, by my office and an  
10 additional courtesy copy was sent via e-mail.
- 11 6. Attached to this declaration as Exhibit A is a true and correct copy of Request for  
12 Production of Documents, Set One and Proof of Service for the Request for Production  
13 which was sent to Defendants' counsel on November 30, 2021.
- 14 7. On December 28, 2021, Defendant's counsel emailed my office requesting an extension  
15 of time to serve a response to the Request. It was agreed to extend the deadline until  
16 January 18, 2022, an additional nineteen (19) days for Defendant to serve their  
17 response. I noted in the email I sent to defendant's counsel's office that I had  
18 misgivings about granting the extension only to receive in response, "a plethora of  
19 specious objections instead of good faith compliance." Attached to this declaration as  
20 Exhibit B is a true and correct copy of the email exchange on that day and occurring  
21 from December 28 – 29<sup>th</sup>, 2021 between counsels' offices.
- 22 8. By the end of day on January 18, 2022, my office received no response to Plaintiff's  
23 Request for Production of Documents.
- 24  
25

- 1 9. On January 20, 2022, my office sent an email to Defendant's counsel notifying them of  
2 the missed deadline. Defendant's counsel mistakenly replied, "There [sic] due today  
3 and responses will be produced today."
- 4 10. Attached to this declaration as Exhibit C is a true and correct copy of the two emails  
5 exchanged between counsels' offices on January 20<sup>th</sup>, 2022.
- 6 11. Approximately an hour after the email exchange Defendant's counsel served  
7 Defendant's Response and Objections to Shane Beard's Request for Production of  
8 Documents, Set One by email. There were no documents accompanying Defendant's  
9 Response and Objections. There was also no attorney-client privilege log provided.
- 10 12. Attached to this declaration as Exhibit D is a true and correct copy of Defendant's  
11 Response and Objections to Shane Beard's Request for Production of Documents, Set  
12 One received on January 20<sup>th</sup>, 2022.
- 13 13. On March 24, 2022, I engaged in a telephonic meet and confer with Defendant's  
14 counsel to address ongoing discovery issues in this, and other, matters.
- 15 14. During the meet and confer, I stated the Plaintiff's position: The Defendant's late  
16 service of responses and objections to the Request for Production, especially after  
17 counsel agreed to an extension of the deadline, resulted in a waiver of any objections by  
18 the Defendant.
- 19 15. Based on the above-stated grounds, I stated that if Defendant did not agree to serve  
20 good faith responses without objections by the end of business on March 28<sup>th</sup>, 2022,  
21 that the Plaintiffs would be pursuing a motion to compel.
- 22 16. One day later, on March 25<sup>th</sup>, my staff sent an email to Defendant's counsel that was a  
23 summary recap of what was discussed regarding this matter the day previously on the  
24  
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1 telephonic meet and confer. There were two points raised in the email and Defendant's  
2 counsel responded to one of them, but never addressed the late response and complete  
3 lack of document production to Request for Production. The email stated that if nothing  
4 was heard from Defendant's counsel by the following Monday (March 28<sup>th</sup>), this office  
5 would proceed with a motion to compel.

6 17. Attached to this declaration as Exhibit D is a true and correct copy of the email  
7 exchange between counsels' offices from March 25<sup>th</sup> – 29<sup>th</sup>, 2022.

8 18. On March 28<sup>th</sup>, no revised or completed response to the Request for Production was  
9 received from Defendant's counsel, and again no privilege log.

10 19. Issues of nonresponse or incredibly delayed response to communications are a constant  
11 recurring problem with regard to discovery in every case involving Stanislaus County  
12 when represented by its current counsel; across five lawsuits thus far since 2018 it is  
13 always the same counsel. These cases are: *Nunes, et al., v. County of Stanislaus, et al.*  
14 *1:17-cv-00633; Santor, et al., v. County of Stanislaus, et al. 1:19-cv-01593* (which was  
15 consolidated with a case brought on behalf of the minor); *Webb, et al., v. County of*  
16 *Stanislaus, et al. 1:19 -cv-01716*; and *Westfall, et al. v. County of Stanislaus, et al. 1:21-*  
17 *cv-00238.*

18 20. In the case *Webb, et al., v. County of Stanislaus, et al. 1:19 -cv-01716* the Court  
19 awarded \$5,202 in expenses in a similar Motion to Compel. This Order was filed as  
20 ECF No.98 in that case.

21 21. In order to comply with Eastern District Local Rule 251(b), immediately after filing this  
22 Motion to Compel, I will be contacting Defendant's counsels' office to meet and confer  
23 regarding this Motion and will either file a Joint Statement re Discovery Disagreement,  
24  
25



1 or an affidavit attesting to the nature and extent of the efforts to arrange the required  
2 conference and procure the required joint statement at least fourteen days before the  
3 scheduled hearing date.  
4

5 The foregoing is sworn to under penalty of perjury pursuant to the laws of the State of  
6 California.  
7

8 POWELL & ASSOCIATES

9 Date: June 22, 2022

/S/ Robert R. Powell  
10 ROBERT R. POWELL, ESQ.  
11 Attorney for Plaintiffs  
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8 Attorneys for Plaintiffs

9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 SHANE BEARD, et al.,

12 Plaintiffs,

13 v.

14 COUNTY OF STANISLAUS, et al.,

15 Defendants.

Case No. 1:21-cv-00841-DAD-SAB

REQUEST FOR PRODUCTION OF  
DOCUMENTS TO COUNTY OF  
STANISLAUS– SET ONE

18 PROPOUNDING PARTY: PLAINTIFF SHANE BEARD

19 RESPONDING PARTY: DEFENDANT COUNTY OF STANISLAUS

20 SET NO: ONE

RESPONSE DATE: DECEMBER 30, 2021

21 Plaintiff SHANE BEARD hereby requests that Defendant COUNTY OF STANISLAUS  
22 respond to this Request for Production of Documents pursuant to the Federal Rules of Civil  
23 Procedure, Rule 34, a copy of which is attached hereto, by presenting its verified written  
24 responses and either providing copies (under Rule 34(b)) to the office of the attorney for the  
25 propounding party, or making originals available for copying within 30 days of service of

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1 these requests. Propounding party requests, though responding party is not required to  
2 comply, that all documents be scanned into PDF format (Adobe Acrobat) and provided on CD  
3 Disk, USB Memory Stick, or by e-mail, excepting any original verifications and signatures on  
4 the response or production, which should be delivered by U.S. mail or private courier.

5 **DEFINITIONS**

6 1. The terms "YOU" or "YOUR" or "COUNTY" shall mean and include COUNTY  
7 OF STANISLAUS as well as their/its agents, employees, supervisors, managers, executives,  
8 representatives, contractors, consultants, attorneys, or affiliated companies or other entities  
9 (inclusive of COMMUNITY SERVICES AGENCY), and anyone else acting on their behalf.  
10

11 2. The term "INDIVIDUALLY NAMED DEFENDANTS" or "INDIVIDUAL  
12 DEFENDANTS," refers to those individual defendants employed or previously employed by  
13 the COUNTY, identified in Plaintiff's Complaint as ERIC ANDERSON, APRIL COBBS,  
14 MARIELA GOMEZ, DAVID GRANADOS, STEPHANIE HERRERA, SHARI JOHNSON,  
15 SHYNELLE JONES, and GLORIA SOLORIO.

16 3. The term "CSA," as used herein, refers to that certain department AND/OR sub-unit  
17 of COUNTY commonly referred to as COMMUNITY SERVICES AGENCY AND/OR  
18 CHILD & FAMILY SERVICES, however, as this is merely a sub-entity of the COUNTY,  
19 every reference to CSA should be interpreted to include COUNTY.  
20

21 4. The term "VOLUNTARY SAFETY PLAN" as used herein refers to that certain  
22 handwritten document, also commonly referred to as "SAFETY PLAN," "VOLUNTARY  
23 PLAN" AND/OR "ACTION PLAN", intended to memorialize alleged agreed upon  
24 steps/tasks for the various participants - including the parent(s) - to take, what concerns  
25 justified the steps/tasks the various participants are to undertake, and spells out the

"resolution" reached between the parties, whatever the resolution may be (for example,

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1 including but not limited to, continued detention of the child, removal of the child, return of  
2 the child, placement of the child with a relative or extended family member).

3 5. The term “CWS/CMS” as used herein refers to the California statewide computer  
4 system known as the “Child Welfare Services / Case Management System,” wherein child  
5 welfare service agencies such as CSA enter data and information about children & families of  
6 a nature related to a child abuse or neglect referral investigation and any subsequent to  
7 investigation related data and information pertaining to juvenile dependency proceedings or  
8 provision of services by the child welfare agency whether or not there has been the initiation  
9 of juvenile dependency proceedings.  
10

11 6. The term “AUDIT” as used herein refers to any review, inspection, examination,  
12 evaluation, assessment, appraisal, or valuation of the material or data in question, whether  
13 performed in an official, formal, informal, internal, or external manner.

14 7. The term “DSL” as used herein refers to “Delivered Service Logs,” the  
15 chronological records of what a social workers has done regarding a particular referral or case  
16 which are entered into the statewide California computer system/database known as the  
17 “Child Welfare Services / Case Management System,” herein “CWS/CMS.”

18 8. The term “PLAINTIFF” and or “PLAINTIFFS” as used herein shall refer to  
19 Plaintiffs Shane Beard, Hilda Perez, and Minor Plaintiff N.P., individually and collectively, as  
20 dictated by context.

21 9. The term “PERSON” or “PERSONS” shall mean and include, without limitation, a  
22 natural person, firm, association, organization, partnership, business, joint venture,  
23 corporation, consortium, government agency, society or public entity.

24 10. The term “AND/OR” as used herein means either or both of two stated possibilities.  
25



11. The term “COMMUNICATION” and “COMMUNICATIONS,” shall mean and include without limitation, all transmissions of information of any nature or character from one PERSON to another PERSON by any means whatsoever which contains information, words, or data of any nature.

12. The terms “DOCUMENT” or “DOCUMENTS” shall mean any and all tangible things, including, without limitation, any written, printed, typed, recorded, inputted, keyed, magnetic, punched, copied, graphic or other tangible thing in, upon or from which information may be embodied, translated, conveyed or stored, as defined in FRCP 34(a) and Federal Rules of evidence 1001 (1) and (2), and all items constituting “writings” as defined under California Evidence Code Section 250.

13. The terms “CONCERN” or “CONCERNING” or “RELATE TO” “RELATED TO” or “RELATING TO” or “EVIDENCE” or “EVIDENCING,” all mean referring to, related to, alluding to, responding to, pertaining to, connected with, commenting on, in respect of, about, regarding, discussing, involving, showing, describing, demonstrating, reflecting, analyzing, evaluating and constituting, as set forth in relation to the topic, item, circumstance, category of items or circumstances identified in the context of the specific request for production.

14. The term “ABILITY” as used herein, means to possess the skill, knowledge, or proficiency in a particular area or performing a particular process or procedure.

15. The term “EFFICACY” as used herein, means the ABILITY to produce a desired or intended result, in this context, from a training, the promulgation of a policy or procedure for entity employees.

16. The term “EXCULPATORY, EXPLANATORY OR MITIGATING EVIDENCE” as used herein means evidence that would disprove, tend to disprove, an allegation, a referral or whatever concerning facts are at issue in a child abuse/neglect investigation.

17. Each of these definitions is incorporated in each of the requests.

**INSTRUCTIONS**

1. YOU are required to produce the original of each DOCUMENT or thing described below or, if the original is not in YOUR custody, a copy thereof. YOU are required to produce all non-identical copies which differ from the original or from other copies produced, for any reason, including, but not limited to, the making of interlineations, marginalia, receipt stamp, notation, indication of copies sent or received, or otherwise.

2. YOU are required to produce all DOCUMENTS and things in YOUR possession, custody or control, including, but not limited to, DOCUMENTS and things in the possession of YOUR present and any former attorneys, employees, representatives and agents, or other persons acting on YOUR behalf.

3. In the event YOU are able to produce only some of the DOCUMENTS and things called for in a particular category, produce all of the DOCUMENTS and things you are able to produce, and state the reasons for YOUR inability to produce the rest.

4. If YOU object to a portion of the category, YOU must produce all DOCUMENTS and things called for by that portion of the category to which you do not object.

5. All DOCUMENTS and things are to be produced without masking, reducing, obliterating, or altering the DOCUMENTS or things in any manner, and in the same form, order and system, including file folders, tabs and indices, as maintained in the regular course of business prior to service of this demand.

6. **Unless otherwise specified, the relevant time frame for each Request is the period of January 1, 2018, through the date of response/production pursuant to this Request for Production of Documents. This means that a document responsive to a request would have been a document containing policies or training or other types of**

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1 information responsive to the specific request, which was in effect or use at any time  
2 during the period from January 1<sup>st</sup>, 2018 through the date of response/production  
3 pursuant to this Request for Production of Documents.

4 7. More than one category of this demand may ask for the same DOCUMENT or  
5 thing. Any duplications should not be construed as a basis for either narrowing or eliminating  
6 the normal interpretation placed upon each individual category of this demand.

7 8. If a privilege is claimed as to any DOCUMENT(S) described in a request for  
8 production, identify such document in a separate Privilege Log, to be produced and  
9 identifying such DOCUMENT(S) by some reasonable description, and state with specificity  
10 the basis for the claim of privilege as to such DOCUMENTS. The privilege log should  
11 comply fully with FRCP 26(b)(5), and any applicable California state law provision if this  
12 litigation involves claims brought by PLAINTIFFS under state law.

13 9. If the responding party knows of the existence, past or present, of any  
14 DOCUMENTS described herein, but is unable to produce such DOCUMENT because it is  
15 not presently in their possession, custody or control of respondent or his/her officers,  
16 directors, agents or accountants, representatives or attorneys, please so state in response to  
17 such request, identify such DOCUMENT in response to the request for production in question  
18 and state the name, address and business telephone number of the person in whose possession,  
19 custody or control the DOCUMENT was last known to reside. If such a DOCUMENT no  
20 longer exists, state when, how and why such DOCUMENT ceased to exist.

21 **REQUESTS**

22 1. All DOCUMENTS, COMMUNICATIONS, records, writings and tangible items of  
23 COUNTY constituting COUNTY policies AND/OR procedures as they RELATE TO the  
24  
25



1 obligations and duties of Emergency Response Social Workers investigating referrals of abuse  
2 or neglect of a child(ren).

3 2. All DOCUMENTS, COMMUNICATIONS, records, writings and tangible items of  
4 COUNTY, constituting materials used for training, educating, AND/OR notifying CSA  
5 personnel on or about the policies AND/OR procedures as they RELATE TO the obligations  
6 and duties of Emergency Response Social Workers investigating referrals of abuse or neglect  
7 of a child(ren).

8 3. All DOCUMENTS RELATING TO any AUDIT of the EFFICACY of the training,  
9 educating, AND/OR notifying CSA personnel about the policies AND/OR procedures, and  
10 CSA personnel's subsequent implementation and adherence to said policies AND/OR  
11 procedures in their employment obligations to CSA as set forth in the prior request.

12 4. All DOCUMENTS, COMMUNICATIONS, records, writings and tangible items of  
13 COUNTY constituting COUNTY policies AND/OR procedures as they RELATE TO the  
14 obligations and duties of Emergency Response Social Workers investigating referrals of abuse  
15 or neglect of a child(ren) under circumstances where potential victims (including specifically  
16 but not limited to siblings, half-siblings, or step-siblings) in fact live in various households  
17 and do not always reside together.

18 5. All DOCUMENTS, COMMUNICATIONS, records, writings and tangible items of  
19 COUNTY, constituting materials used for training, educating, AND/OR notifying CSA  
20 personnel on or about the policies AND/OR procedures as they RELATE TO the obligations  
21 and duties of Emergency Response Social Workers investigating referrals of abuse or neglect  
22 of a child(ren) under circumstances where potential victims (including specifically but not  
23 limited to siblings, half-siblings, or step-siblings) in fact live in various households and do not  
24 always reside together.

1 6. All DOCUMENTS RELATING TO any AUDIT of the EFFICACY of the training,  
2 educating, AND/OR notifying CSA personnel about the policies AND/OR procedures, and  
3 CSA personnel's subsequent implementation and adherence to said policies AND/OR  
4 procedures in their employment obligations to CSA as set forth in prior request.

5 7. All DOCUMENTS, COMMUNICATIONS, records, writings and tangible items of  
6 COUNTY constituting COUNTY policies AND/OR procedures as they RELATE TO the  
7 purpose and utilization of TDMs during investigations of abuse or neglect of a child(ren).  
8

9 8. All DOCUMENTS, COMMUNICATIONS, records, writings and tangible items of  
10 COUNTY, constituting materials used for training, educating, AND/OR notifying CSA  
11 personnel on or about the policies AND/OR procedures as they RELATE TO the purpose and  
12 utilization of TDMs during investigations of abuse or neglect of a child(ren).

13 9. All DOCUMENTS RELATING TO any AUDIT of the EFFICACY of the training,  
14 educating, AND/OR notifying CSA personnel about the policies AND/OR procedures, and  
15 CSA personnel's subsequent implementation and adherence to said policies AND/OR  
16 procedures in their employment obligations to CSA as set forth in prior request.

17 10. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
18 COUNTY, constituting COUNTY policies AND/OR procedures as they RELATE TO the  
19 method of assessment, and factors assessed, by Emergency Response Social Workers to  
20 determine the presence of probable cause for seeking a warrant from a court of competent  
21 jurisdiction to remove one or more children from his/her/their parent(s).  
22

23 11. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
24 COUNTY, constituting materials used for training, educating, AND/OR notifying Emergency  
25 Response Social Workers of or about the COUNTY's policies AND/OR procedures

governing the preparation of documents to be used in conjunction with the submission of a  
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1 request to a court of competent jurisdiction for a warrant to remove one or more children from  
2 his/her/their parent(s).

3 12. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
4 COUNTY, constituting COUNTY policies AND/OR procedures as they RELATE TO the  
5 obligations and duties of County social workers to include EXCULPATORY,  
6 EXPLANATORY OR MITIGATING EVIDENCE in their preparation and submission of  
7 documents to a court of competent jurisdiction, where “documents” include but are not  
8 limited to applications for protective custody warrants to remove a child/children, a Petition  
9 pursuant to W&IC 300, or any and all other reports to a juvenile dependency Court in relation  
10 to the opening or continuing pursuit of a juvenile dependency investigation AND/OR  
11 jurisdiction finding over a child/children, and specifically including applications for protective  
12 custody warrants and all supporting documentation submitted therewith to a/the court of  
13 competent jurisdiction when seeking a warrant.

15 13. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
16 COUNTY, constituting materials used for training, educating, AND/OR notifying Emergency  
17 Response Social Workers of or about the COUNTY’s policies AND/OR procedures set forth  
18 in the prior request.

19 14. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
20 COUNTY constituting COUNTY policies AND/OR procedures as they RELATE TO the  
21 submission of “declarations,” “affidavits,” or other statements of fact sworn to under penalty  
22 of perjury in order to seek a protective custody warrant to remove a child[ren], specifically  
23 those policies, procedures, practices and customs regarding the form, content, and review of  
24 same by someone other than the author and signator of such “declarations” or “affidavits.”  
25



1 15. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
2 COUNTY constituting materials used for training, educating, AND/OR notifying social  
3 workers on or about the policies AND/OR procedures set forth in the prior request.

4 16. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
5 COUNTY constituting materials used for training, educating, AND/OR notifying COUNTY  
6 social workers of or about COUNTY policies AND/OR procedures as they RELATE TO  
7 determining/assessing the circumstances/facts presented or perceived by a social worker  
8 during an initial child abuse AND/OR neglect referral investigation, specifically including,  
9 but not by way of limitation, which facts AND/OR circumstances shall/must be considered  
10 when contemplating removal of child[ren] from a parent or lawful guardian and could also  
11 violate the rights of the child, parent, or lawful guardian under any state or federal, statutory  
12 or decisional law ("case law"), including, without limitation, any training evidencing an  
13 attempt to articulate the lawful standards under state or federal law for removing a child[ren]  
14 from his/her parent[s] or lawful guardian without having first obtained a protective custody  
15 warrant or other lawful court order.  
16

17 17. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
18 COUNTY constituting materials used for training, educating, AND/OR notifying COUNTY  
19 social workers on or about the nature and extent of the trauma to children removed from their  
20 parents or guardians and the life-long debilitating effects, including but not limited to  
21 detrimental physiological changes to the brain and nervous system.  
22

23 18. All DOCUMENTS RELATING to which CSA personnel have the ABILITY to edit,  
24 alter, delete, or otherwise change a DSL entry after the date/time of the original entry.  
25

19. All DOCUMENTS, COMMUNICATIONS, records, writing, and tangible items of COUNTY RELATED TO entering into a VOLUNTARY SAFETY PLAN with parent(s) that places the child(ren) of the parent(s) outside of the custody, or care of one or more of the parents(s) or lawful guardians(s) during a child abuse AND/OR neglect investigation.

20. All DOCUMENTS, COMMUNICATIONS, records, writing, and tangible items of COUNTY constituting the collection AND/OR maintenance of statistical data RELATED TO entering parent(s) into a VOLUNTARY SAFETY PLAN, AND any subsequent AUDIT of said data.

21. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of COUNTY constituting COUNTY policies AND/OR procedures that relate to the process of choosing a placement the child[ren] outside the home of the parent or lawful guardian during a child abuse (including, but not limited to, sexual abuse) AND/OR neglect investigation.

22. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of COUNTY constituting materials used for training, educating, AND/OR notifying social workers on or about the policies AND/OR procedures set forth in the prior request.

23. All DOCUMENTS, COMMUNICATIONS, records, writings and tangible items of COUNTY constituting materials used for training, educating, AND/OR notifying CSA personnel regarding the nature and extent of the psychological trauma to children removed from their parents or guardians, including but not limited to detrimental physiological changes to the brain and nervous system of such children.

24. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE received by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT from any Valley Children's Hospital personnel CONCERNING any PLAINTIFF.

25. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE sent by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT to any Valley Children's Hospital personnel CONCERNING any PLAINTIFF.

26. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE received by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT from any Golden Valley Health Center personnel CONCERNING any PLAINTIFF.

27. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE sent by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT to any Golden Valley Health Center personnel CONCERNING any PLAINTIFF.

28. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE received by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT from any Sierra Vista Child & Family Services personnel CONCERNING any PLAINTIFF.

29. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE sent by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT to any Sierra Vista Child & Family Service personnel CONCERNING any PLAINTIFF.

30. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE received by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT from any Sierra Vista Child & Family Services personnel CONCERNING any PLAINTIFF.

31. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE sent by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT to any Sierra Vista Child & Family Service personnel CONCERNING any PLAINTIFF.

32. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE received by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT from any Kid's Dental (Turlock, California) personnel CONCERNING any PLAINTIFF.

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1 33. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE sent  
2 by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT to any Kid's Dental  
3 (Turlock, California) personnel CONCERNING any PLAINTIFF.

4 34. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
5 received by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT from any Del  
6 Puerto Community Health Center personnel CONCERNING any PLAINTIFF.

7 35. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE sent  
8 by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT to any Del Puerto  
9 Community Health personnel CONCERNING any PLAINTIFF.

10 36. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
11 received by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT from any  
12 PLAINTIFF.

13 37. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE sent  
14 by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT to any PLAINTIFF.

15 38. ALL DOCUMENTS CONCERNING or constituting any complaints or grievances  
16 presented to YOU CONCERNING any INDIVIDUALLY NAMED DEFENDANTS' acts or  
17 omissions related to their employment with CSA and including but not limited to off-duty  
18 conduct for which ANY complaints or grievances were received pertaining to any  
19 INDIVIDUALLY NAMED DEFENDANT. This Request does specifically include, but not  
20 by way of limitation, claims made under the Government Tort Claim Act (G.C. 910 et seq.) or  
21 any complaint otherwise documented and made by anyone, including parents, minors,  
22 civilians, other CSA employees, COUNTY employees, or anyone else. [This request is  
23 limited in time to the period from January 1, 2012 to present.]  
24  
25

1 39. ALL DOCUMENTS that evidence or reflect any written complaint or claim that  
2 COUNTY has received regarding the conduct of COUNTY AND/OR any INDIVIDUALLY  
3 NAMED DEFENDANTS regarding a CSA investigation of child abuse or neglect, and  
4 specifically, but not by way of limitation, incidents involving the removal of a minor from  
5 their parents(s) custody. Such DOCUMENTS should include specifically, but not by way of  
6 limitation, claims made under the Government Tort Claim Act (G.C. 910, et seq.), letters,  
7 incident reports, or any other COMMUNICATION in the nature of a complaint made by  
8 anyone. [This request is limited in time to the period from January 1, 2012 through present.]  
9

10 40. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
11 other electronic communications in YOUR possession AND control which support the  
12 contentions made in YOUR First Affirmative Defense.

13 41. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
14 other electronic communications in YOUR possession AND control which support the  
15 contentions made in YOUR Second Affirmative Defense.

16 42. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
17 other electronic communications in YOUR possession AND control which support the  
18 contentions made in YOUR Third Affirmative Defense.

19 43. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
20 other electronic communications in YOUR possession AND control which support the  
21 contentions made in YOUR Fourth Affirmative Defense.

22 44. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
23 other electronic communications in YOUR possession AND control which support the  
24 contentions made in YOUR Fifth Affirmative Defense.  
25



1 45. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
2 other electronic communications in YOUR possession AND control which support the  
3 contentions made in YOUR Sixth Affirmative Defense.

4 46. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
5 other electronic communications in YOUR possession AND control which support the  
6 contentions made in YOUR Seventh Affirmative Defense.

7 47. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
8 other electronic communications in YOUR possession AND control which support the  
9 contentions made in YOUR Eighth Affirmative Defense.

10 48. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
11 other electronic communications in YOUR possession AND control which support the  
12 contentions made in YOUR Ninth Affirmative Defense.

13 49. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
14 other electronic communications in YOUR possession AND control which support the  
15 contentions made in YOUR Tenth Affirmative Defense.

16 50. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
17 other electronic communications in YOUR possession AND control which support the  
18 contentions made in YOUR Eleventh Affirmative Defense.

19 51. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
20 other electronic communications in YOUR possession AND control which support the  
21 contentions made in YOUR Twelfth Affirmative Defense.

22 52. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
23 other electronic communications in YOUR possession AND control which support the  
24 contentions made in YOUR Thirteenth Affirmative Defense.

25 Request for Production of Documents

To County of Stanislaus – Set One

Beard, et al. v. County of Stanislaus, et al.

U.S.D.C. Eastern Dist. Case # 21-cv-00841-DAD-SAB

1 53. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
2 other electronic communications in YOUR possession AND control which support the  
3 contentions made in YOUR Fourteenth Affirmative Defense.

4 54. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
5 other electronic communications in YOUR possession AND control which support the  
6 contentions made in YOUR Fifteenth Affirmative Defense.

7 55. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
8 other electronic communications in YOUR possession AND control which support the  
9 contentions made in YOUR Sixteenth Affirmative Defense.

10 56. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
11 other electronic communications in YOUR possession AND control which support the  
12 contentions made in YOUR Seventeenth Affirmative Defense.

13 57. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
14 other electronic communications in YOUR possession AND control which support the  
15 contentions made in YOUR Eighteenth Affirmative Defense.

16 58. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
17 other electronic communications in YOUR possession AND control which support the  
18 contentions made in YOUR Nineteenth Affirmative Defense.

19 59. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
20 other electronic communications in YOUR possession AND control which support the  
21 contentions made in YOUR Twentieth Affirmative Defense.


22 60. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
23 other electronic communications in YOUR possession AND control which support the  
24 contentions made in YOUR Twenty-first Affirmative Defense.

25  
Request for Production of Documents  
To County of Stanislaus – Set One  
Beard, et al. v. County of Stanislaus, et al.  
U.S.D.C. Eastern Dist. Case # 21-cv-00841-DAD-SAB

61. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
other electronic communications in YOUR possession AND control which support the  
contentions made in YOUR Twenty-second Affirmative Defense.

POWELL & ASSOCIATES

Date: November 30, 2021

  
Robert R. Powell, Esq.  
Attorney for Plaintiffs

1 POWELL & ASSOCIATES  
2 925 West Hedding Street  
3 San Jose, California 95126  
4 T: (408) 553-0201 F: (408) 553-0203

Attorneys for PLAINTIFFS

**PROOF OF SERVICE**

Webb, et al. v. County of Stanislaus, et al.  
U.S.D.C. - Eastern District of California  
Case No.: 19-cv-01716-DAD-EPG

I am over 18 years of age and not a party to this action. My business address is 925 West Hedding Street, San Jose, CA 95126. On November 30<sup>th</sup>, 2021, I caused to be served the following document(s):

**REQUEST FOR PRODUCTION OF DOCUMENT TO COUNTY OF STANISLAUS – SET ONE**

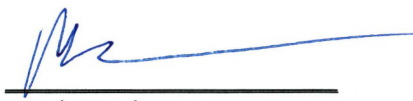
on the parties AND/OR their attorneys of record listed below, by placing same in a sealed envelope bearing U.S Postal Service First Class postage prepaid, and placing same in the U.S. Mail in the City of San Jose, California,

Bradley Swingle  
Arata, Swingle, Van Egmond & Heitlinger  
1207 I St.  
Modesto, CA 95354  
bswingle@arata-law.com; mtatum@arata-law.com; aheitlinger@arata-law.com

Copies of the document(s) were also provided by e-mail on this date, to the e-mail addresses noted for Counsel.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Date: November 30, 2021

  
Mari Carrington

Request for Production of Documents  
To County of Stanislaus – Set One  
Beard, et al. v. County of Stanislaus, et al.  
U.S.D.C. Eastern Dist. Case # 21-cv-00841-DAD-SAB



## Mari Carrington

---

**From:** Robert Powell  
**Sent:** Wednesday, December 29, 2021 8:59 AM  
**To:** Mary Ann Tatum  
**Cc:** Mari Carrington; Brad Swingle; Legal Admin; Sarah Paulson; Sean Reichhold  
**Subject:** RE: Shane Beard v. County of Stanislaus

Ok, but it always concerns me if then what happens is I get a plethora of specious objections instead of good faith compliance. I am not forecasting it, but if it happens, it is going to be unlikely that extensions will be given in the future. I believe we've asked for one single extension throughout all the cases.

But again, yes you may have to the 18<sup>th</sup> and I'll hope for the best.

Thank you,  
Bob Powell

---

**From:** Mary Ann Tatum <MTatum@arata-law.com>  
**Sent:** Tuesday, December 28, 2021 2:33 PM  
**To:** Robert Powell <rpowell@rrpassociates.com>  
**Cc:** Mari Carrington <mcarrington@rrpassociates.com>; Brad Swingle <BSwingle@arata-law.com>; Legal Admin <admin@rrpassociates.com>; Sarah Paulson <spaulson@rrpassociates.com>; Sean Reichhold <sreichhold@rrpassociates.com>  
**Subject:** Shane Beard v. County of Stanislaus

Mr. Powell – The County has responses due on December 30, 2021 to Shane Beard's Requests for Production of Documents, Set 1, in the above matter. We would like to request an extension of time of up to and including January 18, 2022 in which to respond to this discovery. Your cooperation is appreciated.

Thank you

Mary Ann Jefferies-Tatum  
Secretary to Bradley J. Swingle  
Arata, Swingle, Van Egmond & Heitlinger  
1207 I Street  
P.O. Box 3287  
Modesto CA 95353  
Tel: (209) 522-2211  
Fax: (209) 522-2980  
Email: [MTatum@arata-law.com](mailto:MTatum@arata-law.com)

Confidential: The contents of this message may contain information from Arata, Swingle, Van Egmond & Heitlinger which is privileged, confidential or otherwise protected from disclosure under applicable law. The information is intended to be for the addressee only. If you are not the addressee, or if you have received this message in error, any disclosure, copying, distribution or use of the contents of this message is strictly prohibited. If you have received this message in error, please contact Arata, Swingle, Van Egmond & Heitlinger immediately by reply email or by calling us at (209) 522-2211 and please destroy the original message and all attachments without retaining any copies. Thank you.

NOTICE REGARDING ELECTRONIC SERVICE



Pursuant to the California Code of Civil Procedure, Section 1010.6 (e)(1), we are serving all documents and correspondence concerning this case via electronic mail.

**For purpose of electronic service of documents to Bradley J. Swingle, email must be sent to the following addresses:**

[Bswingle@arata-law.com](mailto:Bswingle@arata-law.com)

[Mtatum@arata-law.com](mailto:Mtatum@arata-law.com)





**From:** Brad Swingle <[BSwingle@arata-law.com](mailto:BSwingle@arata-law.com)>  
**Sent:** Thursday, January 20, 2022 2:03 PM  
**To:** Sarah Paulson <[spaulson@rrpassociates.com](mailto:spaulson@rrpassociates.com)>; Mary Ann Tatum <[MTatum@arata-law.com](mailto:MTatum@arata-law.com)>  
**Cc:** Mari Carrington <[mcarrington@rrpassociates.com](mailto:mcarrington@rrpassociates.com)>; Legal Admin <[admin@rrpassociates.com](mailto:admin@rrpassociates.com)>  
**Subject:** RE: Beard v. County of Stanislaus, RFPD Set One Responses

There are due today and responses will be produced today.

**Bradley J. Swingle**

Arata, Swingle, Van Egmond & Heitlinger  
1207 I Street  
Modesto, California 95354  
Tel: 209.522.2211  
Fax: 209.522.2980

**From:** Sarah Paulson <[spaulson@rrpassociates.com](mailto:spaulson@rrpassociates.com)>  
**Sent:** Thursday, January 20, 2022 1:21 PM  
**To:** Brad Swingle <[BSwingle@arata-law.com](mailto:BSwingle@arata-law.com)>; Mary Ann Tatum <[MTatum@arata-law.com](mailto:MTatum@arata-law.com)>  
**Cc:** Mari Carrington <[mcarrington@rrpassociates.com](mailto:mcarrington@rrpassociates.com)>; Legal Admin <[admin@rrpassociates.com](mailto:admin@rrpassociates.com)>  
**Subject:** Beard v. County of Stanislaus, RFPD Set One Responses

Mr. Swingle,

The due date for County of Stanislaus RFPD, Set One production was January 18<sup>th</sup>, 2022. As of today, this office has not received anything via e-mail or USPS. Note, this response date was elongated twice, ten extra days were given initially to account for the holidays, and an additional extension was agreed upon on December 29th, 2021.

Please advise when this office will receive these Responses.

Thank you,

Sarah Paulson  
Paralegal



**POWELL & ASSOCIATES**

**Powell & Associates**

925 West Hedding Street  
San Jose, California 95126  
Tel: (408) 553-0201  
Fax: (408) 553-0203

The information in this e-mail may be confidential and/or privileged. This e-mail is intended to be reviewed only by the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this e-mail and its

attachments, if any, or the information contained herein is prohibited. If you have received this e-mail in error, please immediately notify the sender by return e-mail and delete this e-mail from your system. Thank you.



1 Bradley J. Swingle, SBN 171535

2 Our File No. 10374

3 **ARATA, SWINGLE, VAN EGMOND & HEITLINGER**

4 **A Professional Law Corporation**

5 1207 I Street

6 Post Office Box 3287

7 Modesto, California 95353

8 Telephone: (209) 522-2211

9 Facsimile: (209) 522-2980

10 bswingle@arata-law.com

11 Attorneys for Defendants

12 COUNTY OF STANISLAUS, ERIC ANDERSON, APRIL COBBS, MARIELA GOMEZ, DAVID  
13 GRANADOS, STEPHANIE HERRERA, SHARI JOHNSON, SHYNELLE JONES and GLORIA  
14 SOLORIO

15 UNITED STATES DISTRICT COURT

16 EASTERN DISTRICT OF CALIFORNIA

17 SHANE BEARD, HILDA PEREZ, and  
18 N.P., a minor, by and through Guardian ad  
19 Litem Donnie R. Cox,

Case No.: 1:21-cv-00841-DAD-SAB

20 Plaintiffs,

21 v.

22 COUNTY OF STANISLAUS; ERIC  
23 ANDERSON; APRIL COBBS; MARIELA  
24 GOMEZ; DAVID GRANADOS;  
25 STEPHANIE HERRERA; SHARI  
26 JOHNSON; SHYNELLE JONES; GLORIO  
27 SOLORIO; and DOES 1-10 inclusive,

28 Defendants.

**RESPONSES AND OBJECTIONS TO  
SHANE BEARD'S REQUEST FOR  
PRODUCTION OF DOCUMENTS TO  
THE COUNTY OF STANISLAUS, SET  
ONE**

**United States Magistrate Judge Stanley A.  
Boone**

PROPOUNDING PARTY: SHANE BEARD

RESPONDING PARTY: COUNTY OF STANISLAUS

SET NUMBER: ONE (1)

The County of Stanislaus responds to Shane Beard's Request for Production of Documents  
pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure as follows:

//

//

RESPONSES AND OBJECTIONS TO SHANE BEARD'S REQUEST FOR PRODUCTION OF DOCUMENTS TO  
THE COUNTY OF STANISLAUS, SET ONE - 1

**GENERAL OBJECTIONS**

The following General Objections apply to every paragraph of Shane Beard's Request for Production of Documents, Set One:

1. Responding party objects to every request that calls for privileged information, including, without limitation, information protected by the attorney-client privilege. In agreeing to supply documents in response to this request, responding party has not waived any such privileges with respect to any other documents to which any such privilege might apply.

2. Responding party objects to every request that calls for information prepared in anticipation of litigation or for trial absent a showing of substantial need.

3. Responding party objects to every request that calls for the production of any information containing or reflecting the mental impressions, conclusions, opinions and/or legal theories of any attorney for responding party, on the grounds that such information is protected by the attorney work product doctrine.

4. Responding party objects to every request that is overly broad, unduly burdensome, harassing, duplicative or which requests documents which are already in the possession of propounding party.

5. Responding party objects to every request that calls for information which is neither relevant to the subject matter of the pending complaint nor reasonably calculated to lead to the discovery of admissible evidence in connection with the pending complaint.

In addition, documents which are sought by and are to be produced by reason of this request may be discoverable, but may not be admissible at trial, arbitration or similar proceeding. By providing documents in response to this request, responding party has not waived any privileges or other protection which might be asserted to prevent the provided documents (or documents of a similar class) from being admissible at trial.

The provided documents are to be supplied in a good faith effort to fully comply with these herein requests and constitute responding party's best efforts at cataloguing and collecting non-privileged documents responsive to this request. Responding party reserves the right to amend or

1 supplement the response to this request for production of documents in the event that there are  
2 documents which are in his possession at this time, but which, for any reason, have inadvertently  
3 failed to have been included in the response, or for any other reason which would make such an  
4 amendment or supplement appropriate.

5 **SPECIFIC RESPONSES AND OBJECTIONS**

6 1. All DOCUMENTS, COMMUNICATIONS, records, writings and tangible items of  
7 COUNTY constituting COUNTY policies and/or procedures as they RELATE TO the obligations  
8 and duties of Emergency Response Social Workers investigating referrals of abuse or neglect of a  
9 child(ren).

10 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
11 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
12 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
13 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
14 will comply with this request by producing all responsive documents in its possession. Discovery is  
15 continuing.

16 2. All DOCUMENTS, COMMUNICATIONS, records, writings and tangible items of  
17 COUNTY, constituting materials used for training, educating, AND/OR notifying CSA personnel on  
18 or about the policies AND/OR procedures as they RELATE TO the obligations and duties of  
19 Emergency Response Social Workers investigating referrals of abuse or neglect of a child(ren).

20 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
21 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
22 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
23 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
24 will comply with this request by producing all responsive documents in its possession. Discovery is  
25 continuing.

26 3. All DOCUMENTS relating to any AUDIT of the EFFICACY of the training,  
27 educating, AND/OR notifying CSA personnel about the policies AND/OR procedures, and CSA  
28



1 personnel's subsequent implementation and adherence to said policies AND/OR procedures in their  
2 employment obligations to CSA as set forth in the prior request.

3 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
4 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
5 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
6 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
7 is unaware of any documents responsive to this request at the present time. Discovery is continuing  
8 and responding party reserves its right to amend this response at a later date.

9 4. All DOCUMENTS, COMMUNICATIONS, records, writings and tangible items of  
10 COUNTY constituting COUNTY policies AND/OR procedures as they RELATE TO the obligations  
11 and duties of Emergency Response Social Worker investigating referrals of abuse or neglect of a  
12 child(ren) under circumstances where potential victims (including specifically but not limited to  
13 siblings, half-siblings, or step-siblings) in fact live in various households and do not always reside  
14 together.

15 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
16 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
17 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
18 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
19 will comply with this request by producing all responsive documents in its possession. Discovery is  
20 continuing.

21 5. All DOCUMENTS, COMMUNICATIONS, records, writings and tangible items of  
22 COUNTY, constituting materials used for training, educating, AND/OR notifying CSA personnel on  
23 or about the policies AND/OR procedures as they RELATE TO the obligations and duties of  
24 Emergency Response Social Worker investigating referrals of abuse or neglect of a child(ren) under  
25 circumstances where potential victims (including specifically but not limited to siblings, half-siblings,  
26 or step-siblings) in fact live in various households and do not always reside together.  
27  
28

1 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
2 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
3 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
4 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
5 will comply with this request by producing all responsive documents in its possession. Discovery is  
6 continuing.

7 6. All DOCUMENTS RELATING TO any AUDIT of the EFFICACY of the training,  
8 educating, AND/OR notifying CSA personnel about the policies AND/OR procedures, and CSA  
9 personnel's subsequent implementation and adherence to said policies AND/OR procedures in their  
10 employment obligations to CSA as set forth in prior request.

11 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
12 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
13 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
14 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
15 is unaware of any documents responsive to this request at the present time. Discovery is continuing  
16 and responding party reserves its right to amend this response at a later date.

17 7. All DOCUMENTS, COMMUNICATIONS, records, writings and tangible items of  
18 COUNTY constituting COUNTY policies AND/OR procedures as they RELATE TO the purpose  
19 and utilization of TDMs during investigations of abuse or neglect of a child(ren).

20 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
21 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
22 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
23 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
24 will comply with this request by producing all responsive documents in its possession. Discovery is  
25 continuing.

26 8.. All DOCUMENTS, COMMUNICATIONS, records, writings and tangible items of  
27 COUNTY, constituting materials used for training, educating, AND/OR notifying CSA personnel on  
28



1 or about the policies AND/OR procedures as they RELATE TO the purpose and utilization of TDMs  
2 during investigations of abuse or neglect of a child(ren).

3 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
4 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
5 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
6 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
7 will comply with this request by producing all responsive documents in its possession. Discovery is  
8 continuing.

9 9. All DOCUMENTS RELATING TO any AUDIT of the EFFICACY of the training,  
10 educating, AND/OR notifying CSA personnel about the policies AND/OR procedures, and CSA  
11 personnel's subsequent implementation and adherence to said policies AND/OR procedures in their  
12 employment obligations to CSA as set forth in prior request.

13 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
14 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
15 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
16 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
17 is unaware of any documents responsive to this request at the present time. Discovery is continuing  
18 and responding party reserves its right to amend this response at a later date.

19 10. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
20 COUNTY, constituting COUNTY policies AND/OR procedures as they RELATE TO the method of  
21 assessment, and factors assessed, by Emergency Response Social Workers to determine the presence  
22 of probable cause for seeking a warrant from a court competent jurisdiction to remove one or more  
23 children from his/her/their parent(s).

24 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
25 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
26 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
27 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
28

1 will comply with this request by producing all responsive documents in its possession. Discovery is  
2 continuing.

3 11. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
4 COUNTY, constituting materials used for training, educating, AND/OR notifying Emergency  
5 Response Social Workers of or about the COUNTY's policies AND/OR procedures governing the  
6 preparation of documents to be used in conjunction with the submission of a request to a court  
7 competent jurisdiction for a warrant to remove one or more children from his/her/their parent(s).

8 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
9 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
10 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
11 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
12 will comply with this request by producing all responsive documents in its possession. Discovery is  
13 continuing.

14 12. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
15 COUNTY, constituting COUNTY policies AND/OR procedures as they RELATE TO the obligations  
16 and duties of County social workers to include EXCULPATORY, EXPLANATORY OR  
17 MITIGATING EVIDENCE in their preparation and submission of documents to a court of competent  
18 jurisdiction, where "documents" include but are not limited to applications for protective custody  
19 warrants to remove a child/children, a Petition pursuant to W&IC 300, or any and all other reports to  
20 a juvenile dependency Court in relation to the opening or continuing pursuit of a juvenile dependency  
21 investigation AND/OR jurisdiction finding over a child/children, and specifically including  
22 applications for protective custody warrants and all supporting documentation submitted therewith to  
23 a/the court of competent jurisdiction when seeking a warrant.

24 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
25 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
26 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
27 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
28

1 will comply with this request by producing all responsive documents in its possession. Discovery is  
2 continuing.

3 13. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
4 COUNTY, constituting materials used for training, educating, AND/OR notifying Emergency  
5 Response Social Workers of or about the COUNTY's policies AND/OR procedures set forth in the  
6 prior request.

7 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
8 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
9 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
10 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
11 will comply with this request by producing all responsive documents in its possession. Discovery is  
12 continuing.

13 14. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
14 COUNTY constituting COUNTY policies AND/OR procedures as they RELATE TO the submission  
15 of "declarations," "affidavits," or other statements of fact sworn to under penalty of perjury in order to  
16 seek a protective custody warrant to remove a child[ren], specifically those policies, procedures,  
17 practices and customs regarding the form, content, and review of same by someone other than the  
18 author and signator of such "declarations" or "affidavits."

19 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
20 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
21 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
22 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
23 will comply with this request by producing all responsive documents in its possession. Discovery is  
24 continuing.

25 15. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
26 COUNTY constituting materials used for training, educating, AND/OR notifying social workers on  
27 or about the policies AND/OR procedures set forth in the prior request.



1 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
2 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
3 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
4 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
5 will comply with this request by producing all responsive documents in its possession. Discovery is  
6 continuing.

7 16. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
8 COUNTY constituting materials used for training, educating, AND/OR notifying COUNTY social  
9 workers of or about COUNTY policies AND/OR procedures as they RELATE TO  
10 determining/assessing the circumstances/facts presented or perceived by a social worker during an  
11 initial child abuse AND/OR neglect referral investigation, specifically including, but not by way of  
12 limitation, which facts AND/OR circumstances shall/must be considered when contemplating  
13 removal of child[ren] from a parent or lawful guardian and could also violate the rights of the child,  
14 parent, or lawful guardian under any state or federal, statutory or decisional law ("case law"),  
15 including, without limitation, any training evidencing an attempt to articulate the lawful standards  
16 under state or federal law for removing a child[ren] from his/her parent[ s] or lawful guardian without  
17 having first obtained a protective custody warrant or other lawful court order.

18 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
19 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
20 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
21 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
22 will comply with this request by producing all responsive documents in its possession. Discovery is  
23 continuing.

24 17. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of  
25 COUNTY constituting materials used for training, educating, AND/OR notifying COUNTY social  
26 workers on or about the nature and extent of the trauma to children removed from their parents or  
27  
28

1 guardians and the life-long debilitating effects, including but not limited to detrimental physiological  
2 changes to the brain and nervous system.

3 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
4 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
5 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
6 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
7 will comply with this request by producing all responsive documents in its possession. Discovery is  
8 continuing.

9 18. All DOCUMENTS RELATING to which CSA personnel have the ABILITY to edit,  
10 alter, delete, or otherwise change a DSL entry after the date/time of the original entry.

11 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
12 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
13 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
14 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
15 will comply with this request by producing all responsive documents in its possession. Discovery is  
16 continuing.

17 19. All DOCUMENTS, COMMUNICATIONS, records, writing, and tangible items of  
18 COUNTY RELATED TO entering into a VOLUNTARY SAFETY PLAN with parent(s) that places  
19 the child(ren) of the parent(s) outside of the custody, or care of one or more of the parents(s) or lawful  
20 guardians(s) during a child abuse AND/OR neglect investigation.

21 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and  
22 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
23 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
24 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
25 will comply with this request by producing all responsive documents in its possession. Discovery is  
26 continuing.

20. All DOCUMENTS, COMMUNICATIONS, records, writing, and tangible items of COUNTY constituting the collection AND/OR maintenance of statistical data RELATED TO entering parent(s) into a VOLUNTARY SAFETY PLAN, AND any subsequent AUDIT of said data.

**Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and unintelligible as phrased. This request is also objected to on the basis that it seeks information that is neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence. Without waiving those objections and, after a reasonable search and diligent inquiry, responding party is unaware of any documents responsive to this request at the present time. Discovery is continuing and responding party reserves its right to amend this response at a later date.

21. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of COUNTY constituting COUNTY policies AND/OR procedures that relate to the process of choosing a placement the child[ ren] outside the home of the parent or lawful guardian during a child abuse (including, but not limited to, sexual abuse) AND/OR neglect investigation.

**Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and unintelligible as phrased. This request is also objected to on the basis that it seeks information that is neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence. Without waiving those objections and, after a reasonable search and diligent inquiry, responding party will comply with this request by producing all responsive documents in its possession. Discovery is continuing.

22. All DOCUMENTS, COMMUNICATIONS, records, writings, and tangible items of COUNTY constituting materials used for training, educating, AND/OR notifying social workers on or about the policies AND/OR procedures set forth in the prior request.

**Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad and unintelligible as phrased. This request is also objected to on the basis that it seeks information that is neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence. Without waiving those objections and, after a reasonable search and diligent inquiry, responding party



1 will comply with this request by producing all responsive documents in its possession. Discovery is  
2 continuing.

3 23. All DOCUMENTS, COMMUNICATIONS, records, writings and tangible items of  
4 COUNTY constituting materials used for training, educating, AND/OR notifying CSA personnel  
5 regarding the nature and extent of the psychological trauma to children removed from their parents or  
6 guardians, including but not limited to detrimental physiological changes to the brain and nervous  
7 system of such children.

8 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
9 unintelligible as phrased. This request is also objected to on the basis that it seeks information that is  
10 neither relevant to nor is reasonably calculated to lead to the discovery of admissible evidence.  
11 Without waiving those objections and, after a reasonable search and diligent inquiry, responding party  
12 will comply with this request by producing all responsive documents in its possession. Discovery is  
13 continuing.

14 24. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
15 received by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT from any Valley  
16 Children's Hospital personnel CONCERNING any PLAINTIFF.

17 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
18 unintelligible as phrased. Specifically, this request is objected to on the grounds that it violates  
19 F.R.C.P. 34 in that it is directed to each and every department of the County of Stanislaus, which  
20 renders this request hopelessly overbroad. This request also violates F.R.C.P. 34 in that it is not  
21 limited to a reasonable time. This request also objected to on the ground that it may call for the  
22 production of documents that are neither relevant to nor are reasonably calculated to lead to the  
23 discovery of admissible evidence. Based on the objections asserted herein, responding party is unable  
24 to comply with this request as phrased.

25 25. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
26 sent by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT to any Valley Children's  
27 Hospital personnel CONCERNING any PLAINTIFF.

1 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
2 unintelligible as phrased. Specifically, this request is objected to on the grounds that it violates  
3 F.R.C.P. 34 in that it is directed to each and every department of the County of Stanislaus, which  
4 renders this request hopelessly overbroad. This request also violates F.R.C.P. 34 in that it is not  
5 limited to a reasonable time. This request also objected to on the ground that it may call for the  
6 production of documents that are neither relevant to nor are reasonably calculated to lead to the  
7 discovery of admissible evidence. Based on the objections asserted herein, responding party is unable  
8 to comply with this request as phrased.

9 26. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
10 received by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT from any Golden Valley  
11 Health Center personnel CONCERNING any PLAINTIFF.

12 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
13 unintelligible as phrased. Specifically, this request is objected to on the grounds that it violates  
14 F.R.C.P. 34 in that it is directed to each and every department of the County of Stanislaus, which  
15 renders this request hopelessly overbroad. This request also violates F.R.C.P. 34 in that it is not  
16 limited to a reasonable time. This request also objected to on the ground that it may call for the  
17 production of documents that are neither relevant to nor are reasonably calculated to lead to the  
18 discovery of admissible evidence. Based on the objections asserted herein, responding party is unable  
19 to comply with this request as phrased.

20 27. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
21 sent by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT to any Golden Valley Health  
22 Center personnel CONCERNING any PLAINTIFF.

23 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
24 unintelligible as phrased. Specifically, this request is objected to on the grounds that it violates  
25 F.R.C.P. 34 in that it is directed to each and every department of the County of Stanislaus, which  
26 renders this request hopelessly overbroad. This request also violates F.R.C.P. 34 in that it is not  
27 limited to a reasonable time. This request also objected to on the ground that it may call for the  
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1 production of documents that are neither relevant to nor are reasonably calculated to lead to the  
2 discovery of admissible evidence. Based on the objections asserted herein, responding party is unable  
3 to comply with this request as phrased.

4 28. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
5 received by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT from any Sierra Vista  
6 Child & Family Services personnel CONCERNING any PLAINTIFF.

7 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
8 unintelligible as phrased. Specifically, this request is objected to on the grounds that it violates  
9 F.R.C.P. 34 in that it is directed to each and every department of the County of Stanislaus, which  
10 renders this request hopelessly overbroad. This request also violates F.R.C.P. 34 in that it is not  
11 limited to a reasonable time. This request also objected to on the ground that it may call for the  
12 production of documents that are neither relevant to nor are reasonably calculated to lead to the  
13 discovery of admissible evidence. Based on the objections asserted herein, responding party is unable  
14 to comply with this request as phrased.

15 29. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
16 sent by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT to any Sierra Vista Child &  
17 Family Service personnel CONCERNING any PLAINTIFF.

18 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
19 unintelligible as phrased. Specifically, this request is objected to on the grounds that it violates  
20 F.R.C.P. 34 in that it is directed to each and every department of the County of Stanislaus, which  
21 renders this request hopelessly overbroad. This request also violates F.R.C.P. 34 in that it is not  
22 limited to a reasonable time. This request also objected to on the ground that it may call for the  
23 production of documents that are neither relevant to nor are reasonably calculated to lead to the  
24 discovery of admissible evidence. Based on the objections asserted herein, responding party is unable  
25 to comply with this request as phrased.

1           30. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
2 received by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT from any Sierra Vista  
3 Child & Family Services personnel CONCERNING any PLAINTIFF.

4 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
5 unintelligible as phrased. Specifically, this request is objected to on the grounds that it violates  
6 F.R.C.P. 34 in that it is directed to each and every department of the County of Stanislaus, which  
7 renders this request hopelessly overbroad. This request also violates F.R.C.P. 34 in that it is not  
8 limited to a reasonable time. This request also objected to on the ground that it may call for the  
9 production of documents that are neither relevant to nor are reasonably calculated to lead to the  
10 discovery of admissible evidence. Based on the objections asserted herein, responding party is unable  
11 to comply with this request as phrased.

12           31. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
13 sent by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT to any Sierra Vista Child &  
14 Family Service personnel CONCERNING any PLAINTIFF.

15 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
16 unintelligible as phrased. Specifically, this request is objected to on the grounds that it violates  
17 F.R.C.P. 34 in that it is directed to each and every department of the County of Stanislaus, which  
18 renders this request hopelessly overbroad. This request also violates F.R.C.P. 34 in that it is not  
19 limited to a reasonable time. This request also objected to on the ground that it may call for the  
20 production of documents that are neither relevant to nor are reasonably calculated to lead to the  
21 discovery of admissible evidence. Based on the objections asserted herein, responding party is unable  
22 to comply with this request as phrased.

23           32. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
24 received by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT from any Kid's Dental  
25 (Turlock, California) personnel CONCERNING any PLAINTIFF.

26 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
27 unintelligible as phrased. Specifically, this request is objected to on the grounds that it violates  
28



1 F.R.C.P. 34 in that it is directed to each and every department of the County of Stanislaus, which  
2 renders this request hopelessly overbroad. This request also violates F.R.C.P. 34 in that it is not  
3 limited to a reasonable time. This request also objected to on the ground that it may call for the  
4 production of documents that are neither relevant to nor are reasonably calculated to lead to the  
5 discovery of admissible evidence. Based on the objections asserted herein, responding party is unable  
6 to comply with this request as phrased.

7 33. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
8 sent by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT to any Kid's Dental (Turlock,  
9 California) personnel CONCERNING any PLAINTIFF.

10 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
11 unintelligible as phrased. Specifically, this request is objected to on the grounds that it violates  
12 F.R.C.P. 34 in that it is directed to each and every department of the County of Stanislaus, which  
13 renders this request hopelessly overbroad. This request also violates F.R.C.P. 34 in that it is not  
14 limited to a reasonable time. This request also objected to on the ground that it may call for the  
15 production of documents that are neither relevant to nor are reasonably calculated to lead to the  
16 discovery of admissible evidence. Based on the objections asserted herein, responding party is unable  
17 to comply with this request as phrased.

18 34. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
19 received by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT from any Del Puerto  
20 Community Health Center personnel CONCERNING any PLAINTIFF.

21 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
22 unintelligible as phrased. Specifically, this request is objected to on the grounds that it violates  
23 F.R.C.P. 34 in that it is directed to each and every department of the County of Stanislaus, which  
24 renders this request hopelessly overbroad. This request also violates F.R.C.P. 34 in that it is not  
25 limited to a reasonable time. This request also objected to on the ground that it may call for the  
26 production of documents that are neither relevant to nor are reasonably calculated to lead to the  
27  
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1 discovery of admissible evidence. Based on the objections asserted herein, responding party is unable  
2 to comply with this request as phrased.

3 35. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
4 sent by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT to any Del Puerto  
5 Community Health personnel CONCERNING any PLAINTIFF.

6 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
7 unintelligible as phrased. Specifically, this request is objected to on the grounds that it violates  
8 F.R.C.P. 34 in that it is directed to each and every department of the County of Stanislaus, which  
9 renders this request hopelessly overbroad. This request also violates F.R.C.P. 34 in that it is not  
10 limited to a reasonable time. This request also objected to on the ground that it may call for the  
11 production of documents that are neither relevant to nor are reasonably calculated to lead to the  
12 discovery of admissible evidence. Based on the objections asserted herein, responding party is unable  
13 to comply with this request as phrased.

14 36. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
15 received by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT from any PLAINTIFF.

16 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
17 unintelligible as phrased. Specifically, this request is objected to on the grounds that it violates  
18 F.R.C.P. 34 in that it is directed to each and every department of the County of Stanislaus, which  
19 renders this request hopelessly overbroad. This request also violates F.R.C.P. 34 in that it is not  
20 limited to a reasonable time. This request also objected to on the ground that it may call for the  
21 production of documents that are neither relevant to nor are reasonably calculated to lead to the  
22 discovery of admissible evidence. Based on the objections asserted herein, responding party is unable  
23 to comply with this request as phrased.

24 37. All DOCUMENTS that constitute COMMUNICATION or CORRESPONDENCE  
25 sent by YOU AND/OR any INDIVIDUALLY NAMED DEFENDANT to any PLAINTIFF.

26 **Response:** This request is objected to on the basis that it is vague, ambiguous, overbroad, and  
27 unintelligible as phrased. Specifically, this request is objected to on the grounds that it violates  
28

1 F.R.C.P. 34 in that it is directed to each and every department of the County of Stanislaus, which  
2 renders this request hopelessly overbroad. This request also violates F.R.C.P. 34 in that it is not  
3 limited to a reasonable time. This request also objected to on the ground that it may call for the  
4 production of documents that are neither relevant to nor are reasonably calculated to lead to the  
5 discovery of admissible evidence. Based on the objections asserted herein, responding party is unable  
6 to comply with this request as phrased.

7 38. ALL DOCUMENTS CONCERNING or constituting any complaints or grievances  
8 presented to YOU CONCERNING any INDIVIDUALLY NAMED DEFENDANTS' acts or  
9 omissions related to their employment with CSA and including but not limited to off-duty conduct for  
10 which ANY complaints or grievances were received pertaining to any INDIVIDUALLY NAMED  
11 DEFENDANT. This Request does specifically include, but not by way of limitation, claims made  
12 under the Government Tort Claim Act (G.C. 910 et seq.) or any complaint otherwise documented and  
13 made by anyone, including parents, minors, civilians, other CSA employees, COUNTY employees,  
14 or anyone else. [This request is limited in time to the period from January 1, 2012 to present.]

15 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
16 harassing. This request is also objected to on the grounds that it calls for the disclosure of information  
17 that is neither relevant to nor has recently calculated to lead to the discovery of admissible evidence.  
18 This request is further objected to on the grounds that it improperly calls for the disclosure of  
19 privileged information. No documents will be produced.

20 39. ALL DOCUMENTS that evidence or reflect any written complaint or claim that  
21 COUNTY has received regarding the conduct of COUNTY AND/OR any INDIVIDUALLY  
22 NAMED DEFENDANTS regarding a CSA investigation of child abuse or neglect, and specifically,  
23 but not by way of limitation, incidents involving the removal of a minor from their parents(s) custody.  
24 Such DOCUMENTS should include specifically, but not by way of limitation, claims made under the  
25 Government Tort Claim Act (G.C. 910, et seq.), letters, incident reports, or any other  
26 COMMUNICATION in the nature of a complaint made by anyone. [This request is limited in time to  
27 the period from January 1, 2012 through present.]

1 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
2 harassing. This request is also objected to on the grounds that it calls for the disclosure of information  
3 that is neither relevant to nor has recently calculated to lead to the discovery of admissible evidence.  
4 This request is further objected to on the grounds that it improperly calls for the disclosure of  
5 privileged information. No documents will be produced.

6 40. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
7 other electronic communications in YOUR possession AND control which support the contentions  
8 made in YOUR First Affirmative Defense.

9 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
10 harassing and constitutes a "contention" request not permitted by F.R.C.P. 34, and improperly seeks  
11 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
12 by the attorney work product privilege from disclosure. No documents will be produced.

13 41. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
14 other electronic communications in YOUR possession AND control which support the contentions  
15 made in YOUR Second Affirmative Defense.

16 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
17 harassing and constitutes a "contention" request not permitted by F.R.C.P. 34, and improperly seeks  
18 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
19 by the attorney work product privilege from disclosure. No documents will be produced.

20 42. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
21 other electronic communications in YOUR possession AND control which support the contentions  
22 made in YOUR Third Affirmative Defense.

23 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
24 harassing and constitutes a "contention" request not permitted by F.R.C.P. 34, and improperly seeks  
25 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
26 by the attorney work product privilege from disclosure. No documents will be produced.



1           43.    ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
2 other electronic communications in YOUR possession AND control which support the contentions  
3 made in YOUR Fourth Affirmative Defense.

4   **Response:**    This request is objected to on the grounds that it is overbroad, burdensome, and  
5 harassing and constitutes a “contention” request not permitted by F.R.C.P. 34, and improperly seeks  
6 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
7 by the attorney work product privilege from disclosure. No documents will be produced.

8           44.    ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
9 other electronic communications in YOUR possession AND control which support the contentions  
10 made in YOUR Fifth Affirmative Defense.

11   **Response:**    This request is objected to on the grounds that it is overbroad, burdensome, and  
12 harassing and constitutes a “contention” request not permitted by F.R.C.P. 34, and improperly seeks  
13 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
14 by the attorney work product privilege from disclosure. No documents will be produced.

15           45.    ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
16 other electronic communications in YOUR possession AND control which support the contentions  
17 made in YOUR Sixth Affirmative Defense.

18   **Response:**    This request is objected to on the grounds that it is overbroad, burdensome, and  
19 harassing and constitutes a “contention” request not permitted by F.R.C.P. 34, and improperly seeks  
20 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
21 by the attorney work product privilege from disclosure. No documents will be produced.

22           46.    ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
23 other electronic communications in YOUR possession AND control which support the contentions  
24 made in YOUR Seventh Affirmative Defense.

25   **Response:**    This request is objected to on the grounds that it is overbroad, burdensome, and  
26 harassing and constitutes a “contention” request not permitted by F.R.C.P. 34, and improperly seeks  
27  
28

1 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
2 by the attorney work product privilege from disclosure. No documents will be produced.

3 47. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
4 other electronic communications in YOUR possession AND control which support the contentions  
5 made in YOUR Eighth Affirmative Defense.

6 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
7 harassing and constitutes a "contention" request not permitted by F.R.C.P. 34, and improperly seeks  
8 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
9 by the attorney work product privilege from disclosure. No documents will be produced.

10 48. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
11 other electronic communications in YOUR possession AND control which support the contentions  
12 made in YOUR Ninth Affirmative Defense.

13 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
14 harassing and constitutes a "contention" request not permitted by F.R.C.P. 34, and improperly seeks  
15 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
16 by the attorney work product privilege from disclosure. No documents will be produced.

17 49. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
18 other electronic communications in YOUR possession AND control which support the contentions  
19 made in YOUR Tenth Affirmative Defense.

20 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
21 harassing and constitutes a "contention" request not permitted by F.R.C.P. 34, and improperly seeks  
22 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
23 by the attorney work product privilege from disclosure. No documents will be produced.

24 50. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
25 other electronic communications in YOUR possession AND control which support the contentions  
26 made in YOUR Eleventh Affirmative Defense.



1 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
2 harassing and constitutes a “contention” request not permitted by F.R.C.P. 34, and improperly seeks  
3 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
4 by the attorney work product privilege from disclosure. No documents will be produced.

5 51. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
6 other electronic communications in YOUR possession AND control which support the contentions  
7 made in YOUR Twelfth Affirmative Defense.

8 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
9 harassing and constitutes a “contention” request not permitted by F.R.C.P. 34, and improperly seeks  
10 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
11 by the attorney work product privilege from disclosure. No documents will be produced.

12 52. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
13 other electronic communications in YOUR possession AND control which support the contentions  
14 made in YOUR Thirteenth Affirmative Defense.

15 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
16 harassing and constitutes a “contention” request not permitted by F.R.C.P. 34, and improperly seeks  
17 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
18 by the attorney work product privilege from disclosure. No documents will be produced.

19 53. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
20 other electronic communications in YOUR possession AND control which support the contentions  
21 made in YOUR Fourteenth Affirmative Defense.

22 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
23 harassing and constitutes a “contention” request not permitted by F.R.C.P. 34, and improperly seeks  
24 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
25 by the attorney work product privilege from disclosure. No documents will be produced.

1           54.     ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
2 other electronic communications in YOUR possession AND control which support the contentions  
3 made in YOUR Fifteenth Affirmative Defense.

4 **Response:**     This request is objected to on the grounds that it is overbroad, burdensome, and  
5 harassing and constitutes a “contention” request not permitted by F.R.C.P. 34, and improperly seeks  
6 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
7 by the attorney work product privilege from disclosure. No documents will be produced.

8           55.     ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
9 other electronic communications in YOUR possession AND control which support the contentions  
10 made in YOUR Sixteenth Affirmative Defense.

11 **Response:**     This request is objected to on the grounds that it is overbroad, burdensome, and  
12 harassing and constitutes a “contention” request not permitted by F.R.C.P. 34, and improperly seeks  
13 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
14 by the attorney work product privilege from disclosure. No documents will be produced.

15           56.     ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
16 other electronic communications in YOUR possession AND control which support the contentions  
17 made in YOUR Seventeenth Affirmative Defense.

18 **Response:**     This request is objected to on the grounds that it is overbroad, burdensome, and  
19 harassing and constitutes a “contention” request not permitted by F.R.C.P. 34, and improperly seeks  
20 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
21 by the attorney work product privilege from disclosure. No documents will be produced.

22           57.     ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
23 other electronic communications in YOUR possession AND control which support the contentions  
24 made in YOUR Eighteenth Affirmative Defense.

25 **Response:**     This request is objected to on the grounds that it is overbroad, burdensome, and  
26 harassing and constitutes a “contention” request not permitted by F.R.C.P. 34, and improperly seeks  
27  
28

1 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
2 by the attorney work product privilege from disclosure. No documents will be produced.

3 58. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
4 other electronic communications in YOUR possession AND control which support the contentions  
5 made in YOUR Nineteenth Affirmative Defense.

6 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
7 harassing and constitutes a "contention" request not permitted by F.R.C.P. 34, and improperly seeks  
8 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
9 by the attorney work product privilege from disclosure. No documents will be produced.

10 59. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
11 other electronic communications in YOUR possession AND control which support the contentions  
12 made in YOUR Twentieth Affirmative Defense.

13 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
14 harassing and constitutes a "contention" request not permitted by F.R.C.P. 34, and improperly seeks  
15 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
16 by the attorney work product privilege from disclosure. No documents will be produced.

17 60. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
18 other electronic communications in YOUR possession AND control which support the contentions  
19 made in YOUR Twenty-first Affirmative Defense.

20 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
21 harassing and constitutes a "contention" request not permitted by F.R.C.P. 34, and improperly seeks  
22 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
23 by the attorney work product privilege from disclosure. No documents will be produced.

24 61. ALL DOCUMENTS, COMMUNICATION, records, writings, reports, e-mail AND  
25 other electronic communications in YOUR possession AND control which support the contentions  
26 made in YOUR Twenty-second Affirmative Defense.

1 **Response:** This request is objected to on the grounds that it is overbroad, burdensome, and  
2 harassing and constitutes a “contention” request not permitted by F.R.C.P. 34, and improperly seeks  
3 the mental impressions, conclusions, opinions or legal theories of counsel and is, therefore, protected  
4 by the attorney work product privilege from disclosure. No documents will be produced.

5 Dated: January 20, 2022.

ARATA, SWINGLE, VAN EGMOND & HEITLINGER  
A Professional Law Corporation

6  
7  
8 By /s/ Bradley J. Swingle  
BRADLEY J. SWINGLE  
Attorneys for Defendants  
9 COUNTY OF STANISLAUS, ERIC ANDERSON,  
10 APRIL COBBS, MARIELA GOMEZ, DAVID  
11 GRANADOS, STEPHANIE HERRERA, SHARI  
12 JOHNSON, SHYNELLE JONES and GLORIA  
13 SOLORIO  
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PROOF OF SERVICE

I am employed in the County of Stanislaus; my business address is P.O. Box 3287, Modesto, California 95353. I am over the age of 18 years and not a party to the foregoing action.

On January 20, 2022, I served the following document(s):

**RESPONSES AND OBJECTIONS TO SHANE BEARD'S REQUEST FOR PRODUCTION OF DOCUMENTS TO THE COUNTY OF STANISLAUS, SET ONE**

**BY MAIL** on the following party(ies) in said action, in accordance with Rule 5 of the Federal Rules of Civil Procedure, by placing a true copy thereof enclosed in a sealed envelope in the firm's daily mail processing center for mailing in the United States mail at Modesto, California.

**BY PERSONAL SERVICE** by delivering true copy thereof; in accordance with Code of Civil Procedure Section 1011, to the person(s) and at the address(es) set forth below via courier.

**BY OVERNIGHT DELIVERY** on the following party(ies) in said action, in accordance with Code of Civil Procedure Section 1013(c), by placing a true copy thereof enclosed a sealed envelope, with delivery fees paid or provided for, in a designated area for outgoing overnight mail, addressed as set forth below.

**BY FACSIMILE**, by use of facsimile machine in accordance with Code of Civil Procedure Section 1013(e) and California Rules of Court 2008(e), to the following party(ies) at the facsimile number(s) indicated. This transmission was reported as complete and without error.

X **BY ELECTRONIC MAIL:** I transmitted the document(s) listed above electronically either by email or by electronic filing through the CM/ECF system to the e-mail addresses listed below. I am readily familiar with the Microsoft Outlook's e-mail system and United States District Court's CM/ECF system, and the transmission was reported as complete without error.

Robert R. Powell (SBN 159747) rpowell@rrpassociates.com POWELL & ASSOCIATES 925 West Hedding Street San Jose, CA 95126 Telephone: (408) 553-0201 Facsimile: (408) 553-0203	
--	--

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 20, 2022 at Modesto, California.

/s/ Christi Souza  
Christi Souza





**From:** Brad Swingle  
**To:** Mari Carrington  
**Cc:** Robert Powell; Mary Ann Tatum; Sarah Paulson  
**Subject:** RE: Bear - Teleconference M&C Recap  
**Date:** Tuesday, March 29, 2022 12:44:07 PM  
**Attachments:** image001.png

---

No objection

-Brad

---

**From:** Mari Carrington <mcarrington@rrpassociates.com>  
**Sent:** Tuesday, March 29, 2022 11:12 AM  
**To:** Brad Swingle <BSwingle@arata-law.com>  
**Cc:** Robert Powell <rpowell@rrpassociates.com>; Mary Ann Tatum <MTatum@arata-law.com>; Sarah Paulson <spaulson@rrpassociates.com>  
**Subject:** FW: Bear - Teleconference M&C Recap

Mr. Swingle,

We realized that the attached stipulation had no proposed order attached, so have included it at the bottom (see attached). Unless we hear any objection from your office by 4 p.m. today, we will get it filed by EOB.

Thanks,

Mari Carrington  
Paralegal



**POWELL & ASSOCIATES**

**Powell & Associates**

925 West Hedding Street  
San Jose, California 95126  
Tel: (408) 553-0201  
Fax: (408) 553-0203

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---

**From:** Brad Swingle  
**Sent:** Monday, March 28, 2022 4:10 PM

**To:** Mari Carrington <[mcarrington@rrpassociates.com](mailto:mcarrington@rrpassociates.com)>  
**Cc:** Robert Powell <[rpowell@rrpassociates.com](mailto:rpowell@rrpassociates.com)>; Mary Ann Tatum <[MTatum@arata-law.com](mailto:MTatum@arata-law.com)>; Sarah Paulson <[spaulson@rrpassociates.com](mailto:spaulson@rrpassociates.com)>  
**Subject:** RE: Bear - Teleconference M&C Recap

Yes, you do.

---

**From:** Mari Carrington <[mcarrington@rrpassociates.com](mailto:mcarrington@rrpassociates.com)>  
**Sent:** Monday, March 28, 2022 11:48 AM  
**To:** Brad Swingle <[BSwingle@arata-law.com](mailto:BSwingle@arata-law.com)>  
**Cc:** Robert Powell <[rpowell@rrpassociates.com](mailto:rpowell@rrpassociates.com)>; Mary Ann Tatum <[MTatum@arata-law.com](mailto:MTatum@arata-law.com)>; Sarah Paulson <[spaulson@rrpassociates.com](mailto:spaulson@rrpassociates.com)>  
**Subject:** RE: Bear - Teleconference M&C Recap

Dear Mr. Swingle,

I am following up to see if we have your approval to file the protective order S&O attached below.

Thanks,

Mari Carrington  
Paralegal



**POWELL & ASSOCIATES**

**Powell & Associates**  
925 West Hedding Street  
San Jose, California 95126  
Tel: (408) 553-0201  
Fax: (408) 553-0203

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---

**From:** Mari Carrington  
**Sent:** Friday, March 25, 2022 9:30 AM  
**To:** Brad Swingle <[BSwingle@arata-law.com](mailto:BSwingle@arata-law.com)>  
**Cc:** Robert Powell <[rpowell@rrpassociates.com](mailto:rpowell@rrpassociates.com)>; Mary Ann Tatum <[MTatum@arata-law.com](mailto:MTatum@arata-law.com)>; Sarah Paulson <[spaulson@rrpassociates.com](mailto:spaulson@rrpassociates.com)>  
**Subject:** Bear - Teleconference M&C Recap

Mr. Swingle,

This is a summary recap of Mr. Powell's teleconference with you yesterday on disputed issues in the Beard matter.

We ask you to respond particularly to anything you believe we have wrong or have misstated, along with anything else you deem worthy of response, but at a minimum request a confirmation of receipt of this e-mail.

- On the issue of County's RFPD Responses, Mr. Powell advised that we maintain these responses were late served. On December 29, 2021, Mr. Powell agreed to an extension to January 18, 2022 (see attached email). Responses were not served until January 20, 2022. Accordingly, it is Plaintiffs' position that all objections are waived due to untimely service. If you do not agree to promptly – by EOB Monday – submit full and complete good father answers devoid of objection, we will proceed either with the informal discovery process or simply a motion. As mentioned, Mr. Powell is leaning towards only motions with your office due to the fact these kinds of things just continue to happen routinely.
- On the issue of the protective order we have been trying to get your cooperation in agreeing to for months in this matter, per your agreement during today's teleconference we have affixed your signature to the previously provided S&O. It is attached here. Please confirm approval by end of day today so that we may wrap up this issue.

Thank you,

Mari Carrington  
Paralegal



**Powell & Associates**

925 West Hedding Street  
San Jose, California 95126  
Tel: (408) 553-0201  
Fax: (408) 553-0203

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**EXHIBIT F**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AARON STEWARD,  
Plaintiff,

v.

COUNTY OF SANTA CLARA, *et al.*,  
Defendants.

Case No. 18-cv-04119-SI

**ORDER RE: PLAINTIFF'S MOTION  
FOR ATTORNEYS' FEES**

Re: Dkt. No. 142

Now before the Court is plaintiff's motion for attorneys' fees. For the reasons set forth below, the motion is GRANTED IN PART. The Court awards plaintiff fees in the amount of \$180,117.50.

**DISCUSSION**

On July 11, 2018, plaintiff Aaron Steward filed a civil rights complaint alleging two causes of action under 42 U.S.C. § 1983 claiming excessive force pursuant to the Fourteenth Amendment; one cause of action under California Civil Code 52.1 ("Bane Act"); and four causes of action for intentional infliction of emotional distress ("IIED") against defendants the City of Santa Clara, Deputy Rico West, Deputy Christopher Graham, Amy Le, Richard Guerzo, Tony Alvarez, Adam Valle, and DOES 1-100. Dkt. No. 1. After summary judgment, plaintiff's claims against Deputy West, for an alleged November 7, 2016 contraband search and July 12, 2017 altercation, and Deputy Graham, for an alleged July 12, 2017 "rough ride", remained. Dkt. No. 83. The parties waived a jury trial, and the action came on for trial before the Court on April 26, 2021 through April 29, 2021.

After trial concluded, this Court found in favor of Steward on his claims against Deputy West related to the July 12, 2017 altercation, and found against Steward on his claims against West regarding the November 7, 2016 contraband search and his claims against Deputy Graham for the

1 alleged “rough ride.” With regard to the July 12, 2017 altercation, the Court found, *inter alia*, that  
2 Deputy West’s actions were unreasonable and that he had engaged in excessive force, that Steward  
3 did not actively resist, that the testimony of West and other deputies was not credible, and that West  
4 violated Steward’s rights under the Fourteenth Amendment and the Bane Act. Dkt. No. 135 at 6-9.  
5 The Court also found that Steward suffered from a deep laceration above his right eye and currently  
6 suffers painful headaches, and awarded \$10,000 in compensatory damages and \$1,000 in punitive  
7 damages against West. The Court also held, “Given plaintiff’s limited success in his claims that  
8 relate to his pre-trial detention against defendant Deputy West and Deputy Graham, plaintiff is  
9 awarded attorneys’ fees to the extent of his claims against Deputy West for the July 12, 2017  
10 altercation.” *Id.* at 10.

11 Plaintiff now seeks \$360,235 in fees<sup>1</sup> and requests a 2.0 multiplier for the Bane Act claim.  
12 In support of the fee request, plaintiff has submitted declarations from the lawyers and paralegals  
13 who worked on the case, accompanied by their billing records, as well as a declaration from Richard  
14 Pearl, an expert on attorneys’ fees who opines about the reasonableness of plaintiff’s counsel’s  
15 hourly rates. Dkt. Nos. 141, 142, 144, 147. Counsel state that they have made deductions to exclude  
16 time spent on unsuccessful claims (approximately 78.8 hours).

17 Defendants contend that the Court should reduce the fee request by 80% on the ground that  
18 many of plaintiff’s claims were ultimately unsuccessful. Defendants also argue, *inter alia*, that  
19 Steward is not entitled to a multiplier (and that counsel have not segregated work attributable to the  
20 Bane Act claim), that plaintiff’s counsel’s rates are too high, and that plaintiff’s counsel overstaffed  
21 the case. Defendants contend that the Court should award no more than \$30,650.

22 The Court finds it appropriate to reduce plaintiff’s lodestar by 50% to account for plaintiff’s  
23 limited success, for a total of \$180,117.50.<sup>2</sup> “[T]he extent of a plaintiff’s success is a crucial factor  
24 in determining the proper amount of an award of attorney’s fees” under § 1988.” *Hensley v.*  
25 *Eckerhart*, 461 U.S. 424, 440 (1983). Courts may, in their discretion, reduce a fee award to reflect  
26

27 <sup>1</sup> Plaintiff submitted a separate bill of costs that was taxed by the Clerk. *See* Dkt. No. 157.

28 <sup>2</sup> For the same reason, the Court finds a multiplier is not appropriate.

1 limited success, such as when a plaintiff only prevails on some claims, or only against one of several  
 2 defendants. *See Lytle v. Carl*, 382 F.3d 978, 989 (9th Cir. 2004) (district court did not abuse  
 3 discretion by reducing fees when plaintiff did not prevail on majority of original claims); *Webb v.*  
 4 *Sloan*, 330 F.3d 1158, 1169-70 (9th Cir. 2003) (finding discretionary reduction of attorneys' fees to  
 5 reflect limited success appropriate where plaintiff initially sued several defendants, but prevailed  
 6 against only one, and had claims related to plaintiff's arrest, detention, and prosecution); *Harris v.*  
 7 *Marhoefer*, 24 F.3d 16, 18-19 (9th Cir. 1994) (affirming district court's 50% reduction of attorneys'  
 8 fees in civil rights case based on plaintiff's partial success).

9 Here, Steward prevailed on his § 1983 and Bane Act claims against Deputy West based on  
 10 the July 12, 2017 altercation, and was unsuccessful on his other claims either at summary judgment  
 11 or at trial. The Court finds that a 50% reduction in the lodestar reflects plaintiff's limited success,  
 12 while also accounting for the fact that the successful claims against Deputy West were factually  
 13 intertwined with many of the unsuccessful claims, including: Steward's *Monell* claim that  
 14 inadequate training led to the constitutional violations; his claim that Graham gave him a "rough  
 15 ride" after the altercation (raising questions of whether Steward's injuries were caused by the  
 16 altercation, the ride, or both); and claims that he suffered negative consequences of being labeled  
 17 the aggressor in the fight by West, such as witness intimidation and punitive rehousing decisions by  
 18 defendant Alvarez, defamation by defendant Le in a television interview after the incident, and  
 19 intimidation and harassment by defendant Internal Affairs investigator Valle. Under these  
 20 circumstances, the Court finds it appropriate to significantly reduce the fees sought, but not by the  
 21 80% proposed by defendant.

22 The Court is not persuaded by defendants' contention that the fees should be further reduced  
 23 because Steward did not recover significant monetary damages. As an initial matter, the Court notes  
 24 that at trial Steward did not request a particular dollar amount in damages, and the Court could have  
 25 awarded nominal damages. Based on the evidence of Steward's injuries and continuing headaches,  
 26 the Court awarded him compensatory damages of \$10,000. The Court awarded punitive damages  
 27 of \$1,000 based upon its finding that "Deputy West's actions, particularly his decision to disregard  
 28 his training of contraband searches and repeatedly striking plaintiff in the head with a pepper spray



United States District Court  
Northern District of California

can, to be either reckless or callous disregard of, or indifference to, the rights or safety of plaintiff Aaron Steward” and that West’s actions “were a shocking abuse of power.” Dkt. No. 135 at 10.

Moreover, “the dollar amount lawyers recover for their clients is not the sole measure of the results the prevailing parties’ attorneys obtained.” *Gonzalez v. City of Maywood*, 729 F.3d 1196, 1209-10 (9th Cir. 2013). “Attorneys who win a civil rights claim not only benefit their client in terms of the amount of money they recover, they also confer benefits on others throughout society by, for example, ending institutional civil rights abuses or clarifying standards of constitutional conduct.” *Id.* at 1210. “Even in cases seeking only monetary relief, ‘a successful civil rights plaintiff often secures important social benefits that are not reflected in nominal or relatively small damage awards.’ Therefore, it is inappropriate for a district court to reduce a fee award below the lodestar simply because the damages obtained are small.” *Quesada v. Thomason*, 850 F.2d 537, 540 (9th Cir. 1988) (quoting *City of Riverside v. Rivera*, 477 U.S. 561, 574 (1986)).

The Court is not persuaded by defendants’ remaining challenges to plaintiff’s fee request. This case was factually and legally complicated and involved extensive discovery, and the Court finds the case was not overstaffed. At trial (this Court’s first zoom trial with live testimony during the COVID pandemic), plaintiff’s counsel ably navigated numerous logistical challenges, including in presenting remote testimony from multiple incarcerated witnesses. Finally, the Court finds that the declarations of counsel as well as that of Mr. Pearl support the reasonableness of counsel’s rates.

### CONCLUSION

Accordingly, for the reasons set forth above, the Court GRANTS IN PART plaintiff’s motion for attorneys’ fees and awards \$180,117.50 in fees.

**IT IS SO ORDERED.**

Dated: January 10, 2022



SUSAN ILLSTON  
United States District Judge



**Beard v. County of Stanislaus**  
**Motion to Compel RFPD Set One Production**

**Attorney**

<b>Date</b>		<b>Details</b>	<b>Hours</b>	<b>Amount</b>
02/12/2022	Robert Powell	em to Swingle re: haven't produced the RFPD served 11/30 - way overdue, objections waived. This is request m&c. Pointed out didn't say a word when WebbT RFPD was late, which happened recently.	0:12	\$140.00
03/18/2022	Robert Powell	Rvw em from BSwingle re: will have M&C on informal discovery after scheduling conference in WestJ. Checked, already calendared.	0:06	\$70.00
03/24/2022	Robert Powell	Rvw prpsd e-mail to Swingle re: teleconference issues of RFPd response was untimely - add language on fact we will file either informal discovery or regular motion to compel, and prefer latter. All else looks good - send back to her to send tomorrow.	0:12	\$140.00
03/24/2022	Robert Powell	Time - Attend m&c with Swingle on issues of 1. late RFPD responses (discover in inbox, 2 days late, objections are boilerplate, advise will rvw and meet and confer again), 2. S&O Protective order (will redate and forward to Swingle for approval, then e-file); MC and SP in attendance	0:18	\$210.00
6/20/2022	Robert Powell	Rvw SP's draft of Mtn To Compel - made edits, sent back fro filing	0:30	\$350.00
<b>Total</b>			<b>1:28</b>	<b>\$910.00</b>

**Paralegals**

03/01/2022	Mari Carrington	Time - Following talk with RRP re: RFPD responses, go to draft email to OC re: setting up informal teleconf w/Judge; rvw SAB Standing Order and see involves committing to accepting order from SAB following informal dis conf; email to RRP re slightly diff to EPG - what wants to do? also issue of sanctions in SO	0:18	\$45.00
03/15/2022	Mari Carrington	Time - Rvw case docket/discovery/emails to summarize all issues with OC and summarize in memo; shared with office and saved to server; req. advisement re: next steps	0:18	\$45.00
03/23/2022	Mari Carrington	Time - Prep Memo for m&c tomorrow, all issues	0:12	\$30.00

03/24/2022	Mari Carrington	Time - Attend teleconf m&c b/n RRP and Swingle on issues of 1. late RFPD responses (discover in inbox, 2 days late, objections are boilerplate, advise will rvw and meet and confer again), 2. S&O Protective order (will redate and forward to Swingle for approval, then e-file); note take	0:18	\$45.00
03/25/2022	Mari Carrington	Time - Draft recap email following m&c (drafted and sent to RRP 3/24 - issues = late RFPD responses and S&O protective order); find email re: extension agreed to RFPDs and attach to email, redate and sign S&O; send email + attachment to OC	0:24	\$60.00
<b>Total</b>			<b>1:30</b>	<b>\$225.00</b>
03/24/2022	Sarah Paulson	Time - Attend teleconf m&c b/n RRP and Swingle on issues of 1. late RFPD responses (discover in inbox, 2 days late, objections are boilerplate, advise will rvw and meet and confer again), 2. S&O Protective order (will redate and forward to Swingle for approval, then e-file); note take	0:18	\$45.00
04/13/2022	Sarah Paulson	Time - Case meeting - discussion of status of case - Mtn to Compel RFPD 1, Supplemental R26 just went out, Sam Park will be working on some discovery, created dropbox of discovery and pleadings for Sam to work from. Sent email to S. Park with link to DropBox.	0:18	\$45.00
05/10/2022	Sarah Paulson	Time - continued drafting Mtn to Compel Re: RFPD Set 1 from SR's previously saved draft. fleshed out section II (Facts) - and Section 3 (Legal Argument). Westlaw research re: late response, privilege log, and boilerplate objections	2:48	\$420.00
05/11/2022	Sarah Paulson	Time - incorporated SR's suggestions, then continued work on Mtn to Compel. Westlaw research into attny client priv, and late responses. Finished legal section, began work on sanctions section	4:48	\$720.00
5/16/2022	Sarah Paulson	Time - Finished draft of Dec of RRP, revised NOM-TOC-TOA	2:18	\$345.00
5/23/2022	Sarah Paulson	Time - Created spreadsheet of Attny/Para fees for Mtn to Compel Set 1 Production	1:06	\$165.00
5/24/2022	Sarah Paulson	Time - Continued work on MMPA - revised section citing CA state Code - found federal case law.	1:00	\$150.00
06/07/2022	Sarah Paulson	Time - Finished draft of Dec of RRP for Mtn to Compel - sent to SR for review	0:48	\$120.00



06/09/2022	Sarah Paulson	Time - Finalizing of Dec of RRP after SR review. saved exhibits, finished edits of MMPA after SR review.	1:18	195.00
<b>Total</b>			<b>14:42</b>	<b>\$2,205.00</b>
04/13/2022	Sean Reichhold	Time - Case meeting, set tasks for mtns. to compel against Cnty. for improper responses to RFPD; other mtn. to compel.	0:12	\$35.00
04/13/2022	Sean Reichhold	Time - Began reviewing our RFPD and OC's response in prep for mtn. to compel.	0:36	\$105.00
05/03/2022	Sean Reichhold	Time - Confer with RRP about meet and confer issue pre filing of motion to compel proper RFPD responses. Brief research on adequacy of RFPD responses and appropriate response to improper objections. Went through RRP emails to find attempts to confer with Defs. counsel on RFPD issue; forwarded relevant emails to my email for compilation as evidence for mtn. to compel.	2:48	\$490.00
05/06/2022	Sean Reichhold	Time - Templated and drafted facts section of motion to compel RFPD responses	3:00	\$525.00
06/07/2022	Sean Reichhold	Time - Review SP draft of RRP dec. for motion to compel RFPD responses.	0:42	\$122.50
06/08/2022	Sean Reichhold	Time - Email to SP about revisions to RRP dec. for motion to compel RFPD responses + possible issues with noticing and the Eastern Dist. R. 251 requirement for joint statements on discovery dispute motions.	0:54	\$157.50
<b>Total</b>			<b>8:12</b>	<b>\$1,435.00</b>
<b>Overall Total</b>				<b>\$4,775.00</b>